



**Texas Peanut  
Producers Board**

May 26, 2004

Angela C. Snyder  
Office of the Deputy Administrator  
Poultry Programs  
Agricultural Marketing Service (AMS) USDA  
STOP 0256, Room 3932 South  
1400 Independence Avenue, SW  
Washington, DC 20250

Dear Ms. Snyder:

Texas Peanut Producer's Board appreciates the opportunity to comment on the proposed amendment to the Peanut Promotion, Research and Information Order (Peanut Order) that will add a new section 1216.56 authorizing an organic exemption to the national peanut check-off.

Texas Peanut Producer's Board is the state check-off program authorized by the Texas Commodity Referendum Law. As the state check-off for peanuts, we feel that this amendment is a serious flaw in the law and our organization has several concerns we would like to share concerning this proposed amendment.

First, the organic exemption does not preempt or supersede any applicable state statute or regulation that mandates the payment of an assessment on peanuts. To that end, any "person" who would be exempt under the organic exemption would still be required to pay the peanut assessment due the Texas Peanut Producer's Board pursuant to the Texas Commodity Referendum Law. We feel this amendment has the potential to create confusion and could possibly result in organic growers believing they are also exempt from paying the state required assessment, a violation of the Texas Commodity Referendum Law.

Secondly, organic growers reap the benefits of the Peanut Order through research on yield increases, conservation tillage, and irrigation management. The Peanut Order has also created a national promotions campaign for peanuts that has played a vital role in increasing peanut and peanut product consumption. Organic growers are directly benefiting from the peanut promotions and research programs and therefore, should be contributing to the national check-off program for peanuts.

Lastly, the paperwork this amendment is going to require on the part of the National Peanut Board to exempt a grower is going to be costly. The peanut growers support this

national check-off financially and this amendment, through increased paperwork and staff time, will create a need to divert funds from beneficial grower programs, such as research and promotion, to compensate for the cost of exempting producers.

Again, thank you for the opportunity to comment on this amendment to the Peanut Order. If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shelly Nutt', with a stylized flourish at the end.

Shelly Nutt  
Executive Director